

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,  
Plaintiff,

-vs-

GUADALUPE TORRES,  
Defendant.

NO. CR-11-0128-WFN-1

ORDER ADOPTING REPORT  
AND RECOMMENDATION

This Court referred Defendant's Motion to Appoint Appellate Counsel (ECF No. 89) to Magistrate Judge Imbrogno. Magistrate Judge Imbrogno issued a Report and Recommendation (ECF No. 94) to strike without prejudice the Defendant's motion because he still has trial counsel appointed. His counsel, Ms. Ochoa, was directed to review his motion and appeal options with him. No objections were filed to the Report and Recommendation. The Court has reviewed the file and Motion and is fully informed. Accordingly,

**IT IS ORDERED** that:

1. The Court **ADOPTS** the Report and Recommendation, filed November 5, 2012, **ECF No. 94**, without modification.
2. Defendant's Motion to Appoint Appellate Counsel, filed October 18, 2012, **ECF No. 89**, is **STRICKEN without prejudice**.

The District Court Executive is directed to file this Order and provide copies to the Government, Mr. Torres and Ms. Ochoa.

**DATED** this 20th day of November, 2012.

11-20-12

s/ Wm. Fremming Nielsen  
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WM. FREMMING NIELSEN  
SENIOR UNITED STATES DISTRICT JUDGE